

ATTACHMENT 2

United States Senate
WASHINGTON, DC 20540

November 8, 2005

The Honorable Mike Leavitt
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Secretary:

We understand that the World Health Organization (WHO) has notified the U.S. government that it is convening a meeting of the Expert Committee on Drug Dependence (ECDD) at the end of March and has asked that information on agenda items be provided by the end of December. This deadline does not allow sufficient time for your department to gather accurate information from public and governmental sources, coordinate that information, and provide accurate and meaningful responses to the WHO committee.

We also understand that this short turn-around relates to potential loss of funding from Japan if the meeting were not held by the end of March. We do not believe that this is an adequate reason to force member states to compile information hastily, given the fact that it will be the basis upon which important health decisions will be made.

Among the key decisions this Committee is expected to make at the upcoming meeting is one to recommend moving the opiate addiction treatment buprenorphine from its current control under the 1971 Psychotropic Convention to control under the 1961 Single Convention. This change would eviscerate the intent of the Drug Addiction Treatment Act (DATA), legislation we sponsored and enacted in 2000, for the specific purpose of expanding opiate addiction treatment. Your department and the private sector responded meaningfully to implement this Act and brought literally tens of thousands of patients into treatment for opiate dependence, in the privacy of physicians' offices around this country.

We thought that this matter was put to rest at the last meeting of the WHO Executive Board when the Board declined the Secretariat's request for a change in the ECDD Guidelines. However, it now appears that the Secretariat is prepared to present this matter to another ECDD without the benefit of the "pre-review" and "critical review" required by the WHO Guidelines, and to go directly to a "final decision," apparently contending that such a decision is simply a continuation of the previous meeting.

We presume that you will object to the timing of this meeting and, specifically, to the expectation that the ECDD could come to a "final decision" on buprenorphine without the benefit of the mandatory pre-review and critical review specified in Guidelines.

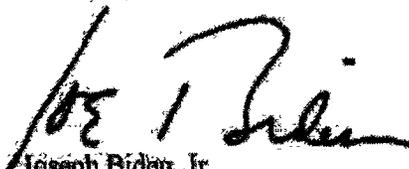
We would greatly appreciate your informing us of your response to the WHO request and, we hope, your objection to the timing of this meeting. We also request that you provide us with a copy of any response to WHO informing them that a "final decision" on buprenorphine may be made only after a pre-review and critical review as required by established Guidelines and requesting that WHO remove buprenorphine from the agenda of this meeting, if it is held. If you intend to publish information in the Federal Register related to the WHO request, we request that you provide us with notification of such publication.

Thank you, as always, for your assistance and your timely responses.

Sincerely,



Orrin Hatch
United States Senator



Joseph Biden, Jr.
United States Senator



Carl Levin
United States Senator